

JURISDICTION:

ARKANSAS

General Reference:

This chapter summarizes Arkansas State statutes related to speed.
Arkansas Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at speed that is greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. 27-51-201(a)(1)

Statutory Speed Limit:
See Other below.

Controlled-Access Highways-The maximum speed is determined via engineering and traffic studies.¹ 27-51-201(b)(1)
30 MPH² in urban districts 27-51-201(c)(1)
50 MPH² for trucks with a capacity ≥ 1 tons in other locations (except controlled access highways) 27-51-201(c)(2)
60 MPH² for other vehicles in other locations (except controlled access highways) 27-51-201(c)(3)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic studies, the State Highway Commission may alter the above statutory speed limits on the State highway system. 27-51-204
II. Based on engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdiction. However, no speed limit can be >45 MPH. 27-51-206(b)
III. Based on an investigation, the State Highway Commission may establish safe maximum speed limits for bridges or other elevated structures. 27-51-209(a) & (b)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic 27-51-208(b)
II. A person shall not operate a motor vehicle continuously in the left lane of a multi-lane roadway whenever it impedes the flow of other traffic. 27-51-301(b)

Posted (Minimum) Speed Limit:

Based upon engineering and traffic studies, a minimum speed limit for any highway may be established. 27-51-208(b)

Other:

I. 30 MPH is the maximum speed for a vehicle which is either over width, over length or over height **and** has a gross weight $\geq 64,000$ lbs. 27-51-201(c)(4)
II. 45 MPH is the maximum speed while towing a house trailer 27-51-210
III. 10 MPH is the maximum speed while operating a vehicle equipped with solid rubber or cushion tires 27-51-211
IV. 25 MPH is the maximum speed when passing a school or while in a school zone during school hours when students are in the school 27-51-212

Adjudication of Speed Law Violations:

However, the speed limit on controlled-access highways for trucks with a ≥ 1 ton capacity must be established at 10 MPH below that established for automobiles. 27-51-201(c)(2)

This appears to be a *prima facie* speed limit. 27-51-201(e) & 27-51-202(a)

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Civil/Criminal Adjudication of Violation: A Violation of the Speed Laws is a Misdemeanor Offense. 27-50-304, 27-50-305 & 27-51-214

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Note: Except as Noted for Speeding in School Zones, the Following Sanctions Apply to all Speed Law Violations.

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** 27-50-304 & 27-50-305

Speeding in School Zone-1st offense-**1 to 10 days** 2nd offense (within 1 year)-**5 to 25 days** 3rd or subsequent offense (within 1 year)-**25 days to 6 months** 27-51-214

Mandatory Minimum Term:

Speeding in School Zone³-1st offense-**1 day** 2nd offense (within 1 year)-**5 days** 3rd or subsequent offense (within 1 year)-**25 days** 27-51-214

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** 27-50-304 & 27-50-305

Speeding in School Zone-1st offense-**\$25 to \$100** 2nd offense (within 1 year)-**\$50 to \$250** 3rd or subsequent offense (within 1 year)-**\$250 to \$1,000** 27-51-214

Mandatory Min. Fine (\$):

Speeding in School Zone³-1st offense-**\$25** 2nd offense (within 1 year)-**\$50** 3rd or subsequent offense (within 1 year)-**\$250** 27-51-214

Other Penalties:

Traffic School:

Other:

Attendance at driver's training school may be required. 27-50-306(3) **Highway Work Zone.** An additional fine, which is equal to all of the other fines, is imposed for exceeding the posted speed limit in a highway work zone when construction personnel are present. I.e., the fine is **double** the amount that would otherwise be imposed. 27-50-408(b)(1)(A)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via the Courts⁴ 27-50-306(1) **Suspension or Revocation** via a Point System⁵

The law appears to make the minimum sanction mandatory.

A suspension of not more than 1 year may be imposed by the court. This suspension is based upon a review of the offender's driving record. 27-50-306 & *Cook v. State*, 33 W.2d 589 (Ark. 1998)

Point System. I. If an offender accumulates between 14 and 17 points, their license is suspended from 3 to 6 months. If they accumulate between 18 and 23 points, their license is suspended from 6 months to 1 year. And, if they accumulate more than 24 points, their license is either suspended for not less than 1 year or revoked for no more than 1 year. II. The following points are assigned for speeding and speed related offenses: Careless (or negligent) driving-8 points; racing on the highway-8 points; reckless driving-8 points; hazardous driving-3 points; impeding traffic-3 points; speeding 0 to 10 MPH over the limit-3 points; speeding 11 to 14 MPH over the limit-4 points; speeding 15 to 20 MPH over the limit-4 points; speeding 21 to 30 MPH over the limit-5 points; speeding ≥30 MPH over the limit-8 points; speeding 0 to 14 MPH over the limit in a commercial motor vehicle-3 points; speeding ≥15 MPH over the limit in a commercial motor vehicle-6 points; unsafe driving-3 points; and, other violations-3 points. 27-50-306(a) & Regulation 2-27-16-907(a)(4) Note: Although listed as offenses under the point system, the Arkansas Code does not make either hazardous or unsafe driving an offense under State law.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev): (continued)

Speeding in School Zone-2nd offense (within 1 year)-**Suspension** 3rd offense (within 1 year)-**Suspension** 27-51-214(2)(B) & (3)(B)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year**⁶ 27-50-306(1)

Speeding in School Zone-2nd offense (within 1 year)-**6 months** 3rd offense (within 1 year)-**1 year** 27-51-214(2)(B) & (3)(B)

Mandatory Minimum Term of

Withdrawal:

Speeding in School Zone-2nd offense (within 1 year)-**6 months** 3rd offense (within 1 year)-**1 year** 27-51-214(2)(B) & (3)(B)

Miscellaneous Sanctions

Not Included Elsewhere:

Special Fine for Speeding in Heavy Trucks. A person, driving a truck weighing ≥20,000 lbs. in excess of 5 MPH of the posted speed limit, is subject to a fine of **\$50** for each MPH they exceed the posted speed limit in excess of 5 MPH. 1 & 3 of Act 1345 of 1999

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Class A Misdemeanor 27-50-302(1) & 27-50-309

Not more than **1 year** 5-4-401(b)(1)

None

Not more than **\$1,000** 5-4-201(b)(1)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts⁴ 27-50-306(1) **Suspension or Revocation** via the Point System⁵

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Not more than **1 year**⁴ 27-50-306(1)

None⁵

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Other:

I. 2nd offense (within 6 months)-An offender may be fined an amount not exceeding **double** that for a 1st offense and is subject a license revocation for not more than 60 days. 3rd or subsequent offense (within 6 months)-An offender may be fined an amount not exceeding

. The offender may be granted conditional or restricted driving privileges during a suspension. 27-50-306(2) II. Suspension or revocation under the point system is stationary.

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	double that for a 1st offense and is subject a license revocation for not more than 6 months. 27-51-102(b)(1) & (2) Important. See the notes in the annotated version of the Arkansas Statutes for the application of 27-51-102.
	II. A person may be required to attend a driver's training school. 27-50-306(3)
<u>Reckless Driving:</u>	
Sanction:	Class B Misdemeanor 27-50-302(2) & 27-50-308
Criminal:	
Imprisonment (Term):	I. Non-Injury Related Offense: <u>1st offense-5 to 90 days</u> 27-50-308(b)(1)(B) <u>2nd or subsequent offense</u> (within 3 years)- 30 days to 6 months 27-50-308(b)(2)(A)
	II. Injury Related Offense- <u>1st offense-30 to 90 days</u> 27-50-308(b)(1)(A) <u>2nd or subsequent offense</u> ⁷ (within 3 years)- 60 days to 1 year 27-50-308(b)(2)(B)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	I. Non-Injury Related Offense: <u>1st offense-\$25 to \$500</u> 27-50-308(b)(1)(B) <u>2nd or subsequent offense</u> (within 3 years)- \$500 to \$1,000 27-50-308(b)(2)(A)
	II. Injury Related Offense- <u>1st offense-\$100 to \$1,000</u> 27-50-308(b)(1)(A) <u>2nd or subsequent offense</u> ⁷ (within 3 years)- \$500 to \$1,000 27-50-308(b)(2)(B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Courts ⁴ 27-50-306(1) or Suspension or Revocation via the Point System ^{5&7}
	For 3 convictions within 12 months- Revocation 27-16-905(5)
Length of Term of License Withdrawal Action:	Suspension for not more than 1 year ⁴ 27-50-306(1)
	Revocation for 1 year ⁴ 27-16-912
Mandatory Term of License Withdrawal Action:	For 3 convictions within 12 months- 1 Year Revocation 27-16-905(5) & 27-16-912
Other:	A person may be required to attend a driver's training school. 27-50-306(3)

Other Criminal Actions Related to Speeding: (continued)

<u>Careless and Prohibited Driving:</u>	Violation 5-1-108, 27-50-301 & 27-51-104(a)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	

The sanctions for a second or subsequent injury offense also apply where the first offense was a non injury related but where the second or subsequent one was so related 50-308(b)(2)(B)

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Fine (\$ Range):	Not more than \$100 27-51-104
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Courts ⁴ 27-50-306(1) Suspension or Revocation via the Point System ⁵
Length of Term of License	
Withdrawal Action:	Not more than 1 year ⁴ 27-50-306(1)
Mandatory Term of License	
Withdrawal Action:	None ⁵
Other:	A person may be required to attend a driver's training school. 27-50-306(3)

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. 27-23-112(e)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days 27-23-112(e)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days 27-23-112(e)

⁸ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 27-23-103(7)

⁹ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 27-23-103(22)

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